

## Message Text

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ORIGIN L-03

INFO OCT-01 EUR-25 IO-13 ADP-00 CPR-02 CIAE-00 DODE-00

PM-07 H-02 INR-10 NSAE-00 NSC-10 PA-03 RSC-01 PRS-01

SS-15 USIA-12 AF-10 ARA-11 EA-11 NEA-10 /147 R

DRAFTED BY L/ UNA: RJBETTAUER: ILM

6/7/73 EXT 22282

APPROVED BY L - MARK B. FELDMAN

L: RDALTON

IO/ UNP: MROTHENBERG

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FM SECSTATE WASHDC

TO USMISSION USUN NEW YORK

AMEMBASSY OTTAWA

USMISSION GENEVA

AMEMBASSY BRUSSELS

C O N F I D E N T I A L STATE 111065

E. O. 11652: GDS

TAGS: PINS, UN

SUBJECT: ILC DRAFT ARTICLES ON PROTECTION OF DIPLOMATS

1. ON JUNE 1 DEPTOFFS ( L AND IO) HELD CONSULTATIONS WITH CANADIANS ON ILC DRAFT ARTICLES ON PROTECTION OF DIPLOMATS. CANADIANS ATTENDING WERE ERIC WANG ( CANADIAN MISSION TO THE UN), SERGE APRIL ( MOFA LEGAL), AND LORNE CLARK ( CANADIAN EMBASSY).

2. MAJOR AREA OF DISCUSSION WAS CANADIAN CONCERN THAT ADOPTION OF ILC DRAFT ARTICLES IN PRESENT FORM MIGHT PREVENT COUNTRY FACED WITH KIDNAPPING OF DIPLOMAT FROM NEGOTIATING SAFE PASSAGE OUT OF COUNTRY FOR PERPETRATOR IN RETURN FOR SAFE RELEASE OF HOSTAGE. IN BRIEF GOC POSITION WAS THAT CANADA (1) CONTINUES TO SUPPORT AGREEMENT ON LINES DRAFT ILC ARTICLES; (2) AS A MATTER OF POLICY WISHES TO  
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RETAIN SO- CALLED " BANGKOK" OPTION TO RESCUE VICTIMS BY OFFERING KIDNAPPERS SAFE CONDUCT AND (3) HAS DECIDED AGAINST EXPRESS AMENDMENT TO ARTICLES WHICH ALTHOUGH NARROWLY FOCUSED COULD UNDERMINE DETERRENT EFFECT BY SIGNALLING TERRORISTS THEY COULD UNDERTAKE KIDNAPPING WITH LITTLE PERSONAL RISK. USDEL AGREED IN PRINCIPLE AND IN DISCUSSION FOCUSED ON APPROACH THAT WOULD MEET OBJECTIVES INCONSPICUOUSLY, I. E. BY INTERPRETATIONS OR MINOR DRAFTING CHANGES. AFTER LENGTHY DISCUSSION OF OPTIONS MENTIONED

PARA 12 OF USUN 1751 AND CAREFUL TEXTUAL ANALYSIS OF ARTS 5 AND 6 OF ILC DRAFT, MEETING CONCLUDED THAT THERE BE SUFFICIENT FLEXIBILITY IN CURRENT WORDING TO ALLOW THIS SOLUTION. WANG SAID HE WOULD ARGUE THIS TO BEASLEY.

3. ON SECONDARY ISSUE OF WHETHER THIRD STATES COULD ACCEPT PERPETRATOR OF KIDNAPPING OF DIPLOMAT AS PART OF DEAL ALLOWING SAFE PASSAGE OUT OF COUNTRY IN RETURN FOR RELEASE OF HOSTAGE, CONCLUSIONS LESS CLEAR. WE SUGGESTED POSSIBLE RESULT THAT OBLIGATIONS OF CONVENTION APPLY IN FULL TO THIRD COUNTRY IF IT PARTY, AND THAT ONLY WAY PERPETRATOR COULD AVOID RISK OF PROSECUTING OR EXTRADITION PURSUANT TO CONVENTION WOULD BE TO FLEE TO COUNTRY NOT PARTY TO CONVENTION.

4. PARTICIPANTS REVIEWED ILC ARTICLES IN FURTHER DETAIL AND DISCERNED NO MAJOR DIFFICULTY IN THEIR RESPECTIVE POSITIONS ON TECHNICAL ISSUES OR ON TACTICS. BOTH SIDES AGREED THAT COMMENTS TO SECGEN SHOULD BE POSITIVE AND GENERAL AND THAT COMPLEX ISSUES DISCUSSED PARA 2 SHOULD NOT BE RAISED AT UNGA. RUSH

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\*\*\* Current Handling Restrictions \*\*\* n/a

\*\*\* Current Classification \*\*\* CONFIDENTIAL

## Message Attributes

**Automatic Decaptioning:** X  
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**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 08 JUN 1973  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** garlanwa  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1973STATE111065  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** RJBETTAUER: ILM  
**Enclosure:** n/a  
**Executive Order:** GDS  
**Errors:** n/a  
**Film Number:** n/a  
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**Original Handling Restrictions:** n/a  
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**Page Count:** 2  
**Previous Channel Indicators:**  
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**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** garlanwa  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 11 SEP 2001  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <11-Sep-2001 by cunninfx>; APPROVED <01-Nov-2001 by garlanwa>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
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**Subject:** ILC DRAFT ARTICLES ON PROTECTION OF DIPLOMATS  
**TAGS:** PINS, UN  
**To:** BRUSSELS  
GENEVA  
OTTAWA  
USUN NEW YORK  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005